

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3

4 HUNG HA,

No. C 14-80305 CW

5 Plaintiff,

ORDER RETURNING  
COMPLAINT TO  
PLAINTIFF

6 v.

7 BRIAN ROJAS and MCMILTON (BADGE #  
8 74),

9 Defendants.  
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11 Plaintiff Hung Ha was declared a vexatious litigant by  
12 Magistrate Judge Larson on July 29, 2010. Ha v. U.S. Atty. Gen.,  
13 2010 WL 3001224 (N.D. Cal.). Judge Larson ordered that "any  
14 future civil pro se filing by Plaintiff in this district shall be  
15 subject to pre-filing review by a judge of this Court." Id. at  
16 \*5. The Ninth Circuit summarily affirmed the order on appeal.  
17 See Ha v. U.S. Atty. Gen., N.D. Cal. Case No. 09-5281, Docket No.  
18 291.

19 The Court has reviewed Plaintiff's complaint and finds that  
20 it shall not be filed because the claims set out therein are  
21 frivolous. Plaintiff alleges numerous federal and state causes of  
22 action and asserts claims under international treaties based on  
23 his arrest on an unspecified date at the University of California  
24 Berkeley's Recreational Sports Facility.<sup>1</sup> Plaintiff includes in  
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26 <sup>1</sup> The Court notes that this is not the first complaint  
27 Plaintiff has filed concerning events at the Recreational Sports  
28 Facility. See, e.g., Ha v. Maddy, 13-80283, Ha v. Celaya, 12-  
80244; Ha v. Sweet B., 09-1392. None of those cases has proceeded  
past the pleading stage.

1 his complaint a lengthy description of an incident which resulted  
2 from a disagreement between Plaintiff and a staff member at the  
3 University of California Berkeley's Recreational Sports Facility  
4 regarding the footwear policy that prohibits individuals from  
5 wearing sandals in the workout area and ultimately resulted in  
6 Plaintiff's arrest by the University of California Police.  
7 However, Plaintiff does not tie any of his asserted causes of  
8 action to these allegations and, even construing the complaint  
9 liberally, the Court is unable to discern any support for the  
10 causes of action.

11 Because Plaintiff's proposed complaint is frivolous and fails  
12 to state a claim upon which relief can be granted, leave to file  
13 the proposed complaint is DENIED. The Clerk of the Court is  
14 ordered not to file the complaint. Plaintiff's (1) application to  
15 proceed in forma pauperis; (2) application to submit a motion for  
16 order re: representation; and (3) application for leave to e-file  
17 are DENIED as moot. No further filings shall be entertained in  
18 this case.

19 IT IS SO ORDERED.

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21 Dated: December 1, 2014

  
CLAUDIA WILKEN  
United States District Judge

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